

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: January 17, 2017

CASE NO(S): PL111184

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 1042710 Ontario Limited (aka Royal Centre)
Appellant: 1096818 Ontario Inc.
Appellant: 11333 Dufferin St et al
Appellant: 1191621 Ontario Inc.; and others
Subject: Failure to announce a decision respecting
Proposed New Official Plan
Municipality: City of Vaughan
OMB Case No.: PL111184
OMB File No.: PL111184
OMB Case Name: Duca v. Vaughan (City)

Heard: January 9, 2017 in Vaughan, Ontario

APPEARANCES:

Parties

Counsel/Representative*

City of Vaughan

Bruce Engell, Claudia Storto and Michael Toshakovski

1042710 Ontario Ltd.

Patricia Foran

First Vaughan Investments Inc., Roland Properties Inc. and Skyrange Investments Inc.

Roslyn Houser

Calloway REIT (Sevenbridge) Inc.

Roslyn Houser

1834371 Ontario Ltd., 2128475 Ontario Corp. and 1930328 Ontario Inc.

Barry Horosko

Hollywood Princess Convention and Banquet Centre Ltd. and Royal 7 Developments Ltd.	Quinto Annibale and Steven Ferri
Luigi Bros. Paving Company Ltd. and 1034933 Ontario Ltd.	Gerard Borean
Berkley Commercial (Jane) Inc.	Daniel Artenosi
York Region Condominium Corp. 499	Robert G. Miller
350 Creditstone Investments Inc. and Lorwood Holdings Inc.	Patrick J. Harrington (for S. Zakem)
Hilton Garden Inn (1406284 Ontario Inc.)	Partick J. Harrington
Toronto and Region Conservation Authority	June Little*
York Region Catholic District School Board	Thomas McRae
Canadian National Railway	Boris Stanislav

MEMORANDUM OF ORAL DECISION DELIVERED BY GERALD S. SWINKIN ON JANUARY 9, 2017 AND ORDER OF THE BOARD

[1] At the last Pre-hearing Conference held on November 18, 2016 concerning the Phase 1 appeals regarding the Vaughan Metropolitan Centre Secondary Plan (“VMCSP”), presided over by Vice-Chair Seaborn (the disposition for which issued on December 19, 2016), a motion was heard dealing with various modifications, approvals and dismissals of certain appeals of the VMCSP. Those are detailed in the December 19, 2016 disposition.

[2] At that time, the hearing of the remaining appeals was put over to be heard on January 9, 2017 and thereafter as required.

[3] Towards the end of December 2016, counsel for the municipality advised the case coordinator at the Board that a number of further settlements had been achieved and conveyed a request that the attendance on January 9 be effectively treated as a

status hearing to advise on the progress of these settlements and forecast the need for hearing time as a result.

[4] Mr. Engell, at this session, did provide the Board with an update on the settlement discussions and advised that the bulk have been settled and that they are working diligently on documenting them, presumably in the form of Minutes of Settlement and in the formal modifications which are to be made to the VMCSPP. He suggested that drafts of the material should be circulated to the affected counsel this week and that the final form of the material, which the Board understood would take the form of a Notice of Motion, should be available by some point the following week.

[5] Mr. Engell did advise that the settlement was not yet universal but that there were active discussions underway with the remaining Appellant(s) and that there was at least some prospect that all of the outstanding appeals may be the subject of settlement.

[6] Accordingly, Mr. Engell requested that the hearing be 'stood down' at this stage and scheduled to commence on Monday, January 23, 2017 for the purpose of dealing with the motion to implement the various settlements which have been achieved. If there remain any unsettled appeals, those would be heard commencing on Tuesday, January 24, 2017. The Board, on the consent of all counsel present, acceded to this request.

[7] The hearing of these appeals then, in the manner set forth above, will commence **on Monday, January 23, 2017 for one day and then on Tuesday, January 24, 2017 for nine days (as required) at 10 a.m. at:**

**City of Vaughan
OMB Hearing Room
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1**

[8] The Board indicated that with respect to any contested appeals to be heard **commencing January 24, 2017**, the Procedural Order issued November 18, 2016 shall govern, with any necessary modifications as a result of the settlements and adjusted hearing dates. In that regard, Mr. Engell advised that witness statements had not been exchanged by the dates in the Procedural Order in light of the fruitful settlement discussions but that counsel would, or have already, settled amongst themselves an adjusted date for exchange of those witness statements. If there is any issue in that regard, counsel can contact the case coordinator at the Board and an opportunity for Board guidance can be arranged.

[9] This Member is not seized.

[10] This is the Order of the Board.

“Gerald S. Swinkin”

GERALD S. SWINKIN
MEMBER

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Ontario Municipal Board

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